

2009 DRAFTING REQUEST

Bill

Received: 01/27/2009

Received By: pkahler

Wanted: As time permits

Identical to LRB:

For: John Lehman (608) 266-1832

By/Representing: Tommy Rylander

This file may be shown to any legislator: NO

Drafter: pkahler

May Contact:

Addl. Drafters:

Subject: Public Assistance - misc

Extra Copies:

Submit via email: YES

Requester's email: Sen.Lehman@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Increase funeral costs for payments under public assistance

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 01/27/2009	jdye 02/17/2009					State
/1			jfrantze 02/17/2009		sbasford 02/17/2009	cduerst 02/27/2009	

FE Sent For:

<END>

↳ At Intro.

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/?	pkahler	1 2/16 jld	2	Sub 17			

FE Sent For:

<END>

Kahler, Pam

From: Rylander, Thomas
Sent: Monday, January 26, 2009 4:09 PM
To: Kahler, Pam
Subject: FW: County Assistance for Funerals

Pam,

Δ. 49,785

Below is the email from our constituent. I overstated the amount of the proposed increase on the phone. We would like on total funeral costs raised to \$4,500. This raise on the cap would not require additional money to come from the counties.

I am currently also in contact with LFB to inquire how much such a change would cost (based on the increased viability of the county subsidy). When I know more about that subject, I will let you know.

Thank you for your help with this.

Tommy Rylander
Office of Senator John Lehman
State Capitol Room 310 South
PO Box 7882
Madison, WI 53707
Toll Free Phone: (866)615-7510
Fax: (608)267-6793

Hello John -

We talked last spring about trying to increase the amount families are allowed to subsidize when eligible for county assistance. Right now the statute allows the family to spend not more than \$2,000 in addition to the \$1,500 the county provides. The total of the funeral home cannot exceed \$3,500. We would like to see that total increased to at least 4,500 - \$5,000.

Our funeral home accepts county assisted families in order to provide a service for lower income people. However, it's becoming more difficult to provide that service if we continue to lose money when accepting county assistance.

It would be nice to also see the \$1,500 increased but we are aware of the financial constraints on state and county budgets. However, increasing the total amount allowed to meet county assistance guidelines would cost the county very little if nothing at all.

I would be happy to discuss this further with you or your staff at your convenience.

Thank you for your attention to this matter and thank you for all your great work and service for our city and state.

Sincerely,

Brian Langendorf
262 498-7621

01/26/2009

Kahler, Pam

From: Rylander, Thomas
Sent: Tuesday, January 27, 2009 10:31 AM
To: Peck, Eric; Kahler, Pam
Subject: FW: County Assistance for Funerals

Here is some additional information we received from our constituent.

Tommy Rylander
Office of Senator John Lehman
State Capitol Room 310 South
PO Box 7882
Madison, WI 53707
Toll Free Phone: (866)615-7510
Fax: (608)267-6793

From: Brian J. Langendorf [mailto:brian@draeger-langendorf.com]
Sent: Tuesday, January 27, 2009 10:17 AM
To: Rylander, Thomas
Subject: Re: County Assistance for Funerals

Tommy -

I don't believe that would affect the cost to the county. Either someone is eligible (already on the rolls) or not. It's not making it easier for the families that are eligible, moreover it's allowing funeral homes to provide the service for these families without losing money.

Right now our basic package for a traditional one day service is \$4,155.00. That does not include a casket. When someone is eligible for county assistance, we provide our service and the casket for \$3500.00 so that someone doesn't lose their eligibility.

Thanks for all your help on this.

----- Original Message -----

From: Rylander, Thomas
To: brian@draeger-langendorf.com
Sent: Monday, January 26, 2009 4:21 PM
Subject: RE: County Assistance for Funerals

Mr. Langendorf,

I am currently speaking with drafting attorneys in order to get a draft ready for circulation. I am also in communication with Legislative Fiscal Bureau regarding what this will cost. Even if we don't directly increase the county's financial commitment to these funerals, making this subsidy easier to use by raising the cap would, I assume, cost counties money by increasing the number of people who use it. I will let you know when I know more.

Tommy Rylander
Office of Senator John Lehman
State Capitol Room 310 South
PO Box 7882
Madison, WI 53707
Toll Free Phone: (866)615-7510
Fax: (608)267-6793

01/27/2009



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1821

PJK:....

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

D note
(in 1-27)

gan cot ✓

and burial

4
①

AN ACT relating to: maximum amount of funeral expenses under the funeral, burial, and cemetery expenses program. ✓

2

Analysis by the Legislative Reference Bureau

Under current law, county departments of social services or human services (county departments) pay cemetery, funeral, and burial expenses for decedents who, during life, received certain public assistance benefits, such as Wisconsin Works benefits or Medical Assistance benefits, and whose estates at death are insufficient to pay those expenses. If a decedent's total funeral and burial expenses do not exceed \$3,500, the county department pays the lesser of \$1,500 or the amount not paid by the decedent's estate and other persons. The Department of Health Services reimburses county departments for payments that the county departments make for funeral and burial expenses from a general purpose revenue appropriation.

This bill increases the maximum funeral and burial expenses that obligate a county department to contribute toward the cost. Under the bill, a county department not required to contribute toward funeral and burial expenses if the total funeral and burial expenses exceed \$4,500, rather than \$3,500. The amount that a county department must contribute, however, remains at the lesser of the \$1,500 or the amount not paid by the decedent's estate and other persons.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

an eligible

a

is

a decedent's

1 **SECTION 1.** 49.785 (1m) (b) of the statutes is amended to read:

2 49.785 (1**m**) (b) If the total funeral and burial expenses for the recipient exceed
3 \$3,500 \$4,500[✓], the county or applicable tribal governing body or organization
4 responsible for burial of the recipient is not required to make a payment for funeral
5 and burial expenses under sub. (1) (b).

History: 1973 c. 147, 333; 1975 c. 39, 224; 1979 c. 206; 1981 c. 20; 1985 a. 29, 176, 332; 1989 a. 31, 239; 1995 a. 27, 289; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33 s. 1302; Stats. 2003 s. 49.785; 2005 a. 25; 2007 a. 20.

6 **SECTION 2. Initial applicability.**

7 (1) This act first applies to funeral and burial expenses[✓] incurred on account of
8 deaths occurring on the effective date of this subsection.[✓]

9 (END)

D-1821

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

date

LRB-1821/1¹dn

PJK:.....
jld

I do not know if this change has a fiscal effect. Better to find out that it doesn't, however, than not to request a fiscal estimate and find out later that it does. ✓

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1821/1dn
PJK:jld:jf

February 17, 2009

I do not know if this change has a fiscal effect. Better to find out that it doesn't, however, than not to request a fiscal estimate and find out later that it does.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

Duerst, Christina

From: Stromme, Denise
Sent: Thursday, February 26, 2009 1:52 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-1821/1 Topic: Increase funeral costs for payments under public assistance

Please Jacket LRB 09-1821/1 for the SENATE.